



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON WIESBADEN
UNIT 29623
APO AE 09096-0050

REPLY TO
ATTENTION OF

IMEU-WSB-ZA

16 JUN 09

MEMORANDUM FOR RECORD

SUBJECT: US Army Garrison Wiesbaden Command Policy Letter 5, Sexual Assault

1. References:

- a. AR 27-10, Military Justice, 16 Nov 2005.
- b. AR 600-20, Army Command Policy, 18 March 2008.
- c. Memorandum, US Army Europe and Seventh Army, IMEU-ZA, 18 April 2006, subject: Command Policy Letter 24, Chain of Command Visits to Soldiers Quarters.

2. Purpose: To establish the USAG Wiesbaden Commander's policy on sexual assault and maintain an environment free of sexual assault.

3. Applicability: This policy applies to all military and civilian personnel assigned, attached to, or living in the USAG Wiesbaden community.

4. Responsibilities: Commanders, Supervisors, and Leaders:

- a. Are responsible for maintaining an environment free of sexual assault.
- b. Will ensure newly arriving Soldiers are assigned a sponsor and receive Sexual Assault Prevention and Reporting (SAPR) briefings, to include orientation with the Unit Victim Advocate (UVA).
- c. Will respond immediately to any incidents of sexual assault and inform the office of the Provost Marshal, the Military Police or the Criminal Investigation Division.
- d. Will establish and post a command policy letter regarding "zero tolerance" of any incidents resulting in sexual assault. Include consequences for violations such as adverse administrative actions or Uniform Code of Military Justice.
- e. Will emphasize sexual assault risks, prevention and response in all holiday safety briefings.

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f. Will become familiar with the Commander's Sexual Assault Victim Assistance Checklist and utilize it when a sexual assault incident is reported.

g. Must, within 45 days of assuming command, contact the Victim Advocate Coordinator (VAC) to conduct a unit specific online sexual assault climate survey. The results will be submitted to the commander for review.

h. Create a climate that minimizes sexual assault incidents, which impact Army personnel, Army civilians, and Family members, and, if an incident should occur, ensure that victims and subjects are treated according to Army policy.

i. Will ensure all personnel attend mandatory sexual assault prevention training. Sexual assault training may be conducted by the VAC. The assigned deployable SARC (DSARC) or Unit Victim Advocate (UVA) may conduct the training if the VAC approves the training. The VAC is responsible for all sexual assault training.

j. Will appoint, on orders, a minimum of one DSARC per brigade and two UVA per battalion or at least one UVA per company sized unit IAW AR 600-20, chapter 8. Ensure DSARC and UVA attend all necessary training.

4. POC for this action is the VAC at 335-5234.

Encl
Commanders's checklist



JEFFREY W. DILL
COL, IN
Commanding



Department of the Army
Sexual Assault Prevention and Response Program

Commander's Sexual Assault Victim Assistance Checklist

The actions in the following list are to be taken in the event of receiving a report of sexual assault. Although the commander has significant leadership responsibility for actions after a report of sexual assault, not necessarily all of the actions listed below will be taken by the commander.

1. ____ Ensure the physical safety of the victim-determine if the alleged offender is still nearby and if the victim needs protection.
2. ____ Advise the victim of the need to preserve evidence (for example, by not bathing, showering, washing garments).
3. ____ Encourage the victim to report the incident and get a medical examination immediately (even if the incident occurred prior to the past 72 hours).
4. ____ Make appropriate administrative and logistical coordination for movement of victim to receive care. (Involve the minimum number of personnel possible and only on a need-to-know basis).
5. ____ Ask if the victim needs a support person (for example, a personal friend, victim advocate, chaplain) to immediately join the victim.
6. ____ Notify the Sexual Assault Response Coordinator (SARC) immediately.
7. ____ Notify the Chaplain if the victim requests pastoral counseling or assistance.
8. ____ Notify the Criminal Investigation Command, military police, installation provost marshal (per AR 195-1, paragraph 6), and commanders in the chain of command (as appropriate) within 24 hours (as soon as the victim's safety is established and victim's medical treatment procedures are in motion) and:
 - ____ Limit the details regarding the incident to only those personnel who have a legitimate need to know.
 - ____ Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except by those personnel who may have a "need to know," including but not limited to, the Criminal Investigation Command investigator(s) and the trial counsel.
 - ____ Collect only the necessary information (for example, victim's identity, location and time of the incident, name and/or description of alleged offender(s)). Do not ask detailed questions and/or pressure the victim for responses.
9. ____ Ensure the victim is made aware of, and encouraged to exercise, their options during each phase of the medical, investigative, and legal processes.

(Encl)

10. _____ Ensure the CID notifies victims and witnesses of their rights through a completed Victims and Witnesses of Crime form, DD Form 2701. (Reference AR 27–10).

11. _____ Inform the victim of the resources in theater that are available through the Victim and Witness Assistance Program (VWAP) (AR 27–10). Also, inform the victim of resources accessible from anywhere in the world (that is, Military One Source (from U.S.: 1–800–464–8107; International: 800–464–81077; International collect: 484–530–5889, 24-hours-a-day, 7-days-a-week)).

12. _____ Provide emotional support to the victim, including—

_____ Throughout the investigation, consult with the victim and, to the extent practicable, accommodate the victim's wishes, as long as a full and complete investigation is not compromised.

_____ Listen/engage in quiet support of the victim, as needed. Be available in the weeks and months following the sexual assault, and ensure the victim that she/he can rely on the commander's support.

_____ Emphasize to the victim the availability of additional avenues of support; refer to available counseling groups and other victim services.

_____ Confer with the commander's legal representative and/or servicing SJA office to consider legal options, responsibilities (for example, pretrial restraint, military protective order), and appropriate disposition of the alleged offense.

_____ If the alleged offender is a foreign national or from a coalition force, confer with SJA on responsibilities, options, and victim's rights (in theater).

_____ Determine the best courses of action for separating the victim and the alleged offender during the investigation:

-Determine whether the victim desires to be transferred to another unit.

-Determine if the alleged offender needs/desires to be transferred to another unit.

-Consider whether a Military Protection Order (MPO) (DD Form 2873), referred to as "no contact order," is appropriate.

-Coordinate with sexual assault response agencies and the chain of command (involve as few people as possible and only on a need to know basis, protecting the victim's privacy) to determine if the victim's condition warrants redeployment or reassignment until there is a final legal disposition of the sexual assault case and/or the victim is no longer in danger.

-To the extent practicable, preferential consideration related to the reassignment should be based on the victim's desires.

13. _____ Flag (suspend favorable personnel actions) any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600–8–2 (Suspension of Favorable Actions), and suspend the Soldier's security clearance in accordance with AR 380–67, The Department of the Army Personnel Security Program.

14. _____ Avoid automatic suspension or revocation of the victim's security and/or personnel reliability program clearance, when possible, as the victim can be treated for their related trauma. Consider the negative impact that suspension of a victim's security clearance has on both the victim's sensitivity and the service climate for reporting. Commanders should consider making this decision in consultation with a credentialed behavioral health professional.

15. _____ Determine how to best dispose of the victim's collateral misconduct. Absent overriding considerations, commanders should consider exercising their authority in appropriate cases to defer disciplinary actions for the victim's misconduct until after the final disposition of the sexual assault case.

16. _____ Update the battalion or higher-level commander on the status of the victim and alleged offender(s) within 14 calendar days, and on a monthly basis thereafter, until the case is officially closed. If the victim or alleged offender is transferred or redeployed prior to the case closing, coordinate with investigative and SJA personnel before ceasing monthly updates on parties involved.

17. _____ Update the victim on a monthly basis on the sexual assault investigation until its final disposition. Furthermore, initiate follow-up with the victim within 45 days after disposition of the case.

18. _____ Consult with the servicing legal office, criminal investigative organization, and notify the assigned victim advocate prior to taking any administrative action affecting the victim.

19. _____ Ensure unit personnel are abreast of risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.